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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/654,171      | 09/03/2003  | Hiroshi Ushimaru     | 9281/4665           | 4329             |

7590 09/21/2004

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EXAMINER

GARCIA, ERNESTO

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3679

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/654,171

Applicant(s)

USHIMARU, HIROSHI

Examiner

Ernesto Garcia

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10, 11, 13, 14, 18, 19, 21-24 and 26 is/are rejected.
- 7) ☒ Claim(s) 12, 15-17, 20, 25 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10, 11, 13, 14, 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Rogers, 2001/0025545 A1, (see marked-up attachment provided in last office action).

Regarding claim 10, Rogers discloses, in Figure 1, a fitting structure comprising a fitting member **12**, a shaft member (not shown but a screw is to be screwed into bore **22**), and a knob **14**. The fitting member **12** is fitted to the shaft member. The knob **14** is arranged concentrically with the fitting member **12** and fitted to a front face **A4** of the fitting member **12**. The fitting member **12** has a base **A5**, arcwise guides **24**, gaps **A8**, and guide faces **A9**. The guides **24** protrude forward from the base **A5** and are

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provided on a first circle **A7**. Each of the gaps **A8** is provided between adjacent guides **24**. Each of the guide faces **A9** is provided at a top **A10** of one or another of the guides **24** and inclined relative to the base **A5**. The knob **14** has projections **36** positioned corresponding to the first circle **A7**. The knob or the fitting member can be rotated to enable the projections to approach the base, and after the projections are positioned in the gaps, the knob and the fitting member are enabled to be coupled to each other.

Regarding claim 11, the projections **36** are held between adjacent guides **24**.

Regarding claim 13, the projections **36** are arranged to form a cross [in a cross].

Regarding claim 14, the guide faces **A9**, inclined in an equal direction relative to the base **A5**, are formed at the top **A10** of the guides **24**.

Regarding claim 18, the base **A5** has a front wall **A12** and a cylindrical sidewall **A13** extending backward from a circumference **A14** of the front wall **A12**. The front wall **A12** is provided with the guides **24** protruding forward. The knob **14** has a front wall **A15** and a cylindrical sidewall **A16** extending backward from a circumference **A17** of the front wall **A15** of the knob **14**. The front wall **A15** of the knob **14** is fitted with the projections **36** protruding backward in a state of being positioned in the sidewall **A16** of the base **A5**. The sidewall **A13** of the base **A5** is positioned within the sidewall **A16** of the knob **14**.

Regarding claim 19, the fitting structure is further provided with a rotation drive member **20** of which the shaft member (note, the screw is to be fitted in hole **22**) is rotatable. The fitting member rotates together with the shaft member when the knob is fitted.

Claims 10, 21-24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hecht, 6,276,879.

Regarding claim 10, Rogers discloses, in Figure 1, a fitting structure comprising a fitting member **2**, a shaft member (not shown but the fitting member is fitted to a chuck which has the shaft member), and a knob **1**. The fitting member **2** is fitted to the shaft member. The knob **1** is arranged concentrically with the fitting member **2** and fitted to a front face **30** of the fitting member **2**. The fitting member **2** has a base **34**, arcwise guides **42**, gaps **46**, and guide faces **40**. The guides **42** protrude forward from the base **34** and are provided on a first circle. Each of the gaps **46** is provided between adjacent guides **42**. Each of the guide faces **40** is provided at a top of one of the guides **42** and inclined relative to the base **34**. The knob **1** has projections **36** positioned corresponding to the first circle. The knob or the fitting member can be rotated to enable the projections to approach the base, and after the projections are positioned in the gaps, the knob and the fitting member are enabled to be coupled to each other.

Regarding claim 21, the knob **1** and the fitting member **2** are coupled to each other using an engaging means **24,36**.

Regarding claim 22, the engaging means **24,36** is formed at a different position than the guides **42**.

Regarding claims 23 and 24, the engaging means **24,36** is formed at a different position than the projections **36**.

Regarding claim 26, the projections **36** are different shapes than the guides **42**.

***Allowable Subject Matter***

Claims 12, 15-17, 20, 25 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 12, the prior art of record does not disclose or suggest a fitting structure comprising a fitting member provided with through holes bored in a base positioned between gaps each provided between arcwise guides;

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regarding claim 15, the prior art of record does not disclose or suggest a fitting structure comprising an annular fitting portion on a second circle of a base of a fitting member;

regarding claim 16, the prior art of record does not disclose or suggest a fitting structure comprising a knob having keep pieces arranged corresponding to a second circle;

regarding claim 17, this claim depends from claim 15;

regarding claim 20, the prior art of record does not disclose or suggest a fitting structure comprising a rotation drive member comprising a motor. There is no reason to make the rotation drive member 20 of Rogers into a motor as there is no motivation;

regarding claim 25, the prior art of record does not disclose or suggest a fitting structure comprising a knob and a fitting member coupled to each other using engaging means comprising hooks and fitting portions; and,

regarding claim 27, the prior art of record does not disclose or suggest a fitting structure comprising projections of a knob having a number of the projections different than guides of a fitting member.

***Response to Arguments***

The applicant has argued that Rogers fails to show gaps as the guides contact each other. Applicant is correct in that the guides contact each other, but the rationale is that the area between the guides defines a gap due to the ramp surface and the vertical surface of the guide. This area A8, as drawn by the examiner, defines the gap. A8 was not drawn to point to the thin area of the guide as applicant has argued but rather the gap.

Furthermore, applicant has argued that the invention of Rogers is directed towards a different arrangement. This argument is out of scope as arrangements are not claimed. In any event, Rogers anticipates the claims regardless of other additional structures. If applicant is linking the argument to non-analogous art, applicant is reminded that for a 102 anticipation non-analogous art does not apply.

Applicant further argued that the invention of Rogers does not teach the fitting member and the knob coupled together. In response, it is noted that the features upon which applicant relies (i.e., the fitting member and the knob being coupled together) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Alternatively, there is nothing in the claim that defines structure to enable the fitting member and the knob to



be coupled together. It is until claims 15 and 21 that the features of these claims enable the knob and the fitting member to be coupled to each other.

In respect to claim 13, applicant argues that the projections of Rogers are not arranged to form a cross. This is not found persuasive. A careful analysis of the projections reveal that the projections are arranged in a circle, as applicant remarked, a cross, vertically, horizontally, and even in an X form. The arrangement depends on a selection of projections as the claim is formatted as open-ended.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 703-308-8606. The examiner can normally be reached from 9:30-6:00. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



E.G.

September 13, 2004



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